

EXHIBIT 2

FILED UNDER SEAL

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE LLC,

Plaintiff and Counter-defendant,

v.

SONOS, INC.,

Defendant and Counter-claimant.

Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**REPLY EXPERT REPORT OF
DR. KEVIN C. ALMEROOTH**

275. While it is true that a user could in theory memorize an association between a certain speaker group and an arbitrary, non-thematic name that was assigned to the speaker group (as Dr. Schonfeld suggests – *see* 1/13/2023 Schonfeld Rebuttal Report at ¶¶ 180-181), requiring a user to do so is inconvenient, not to mention that the user may ultimately forget the association. It would also be problematic for those users that have large Google networked audio systems with many different speaker groups. Additionally, while the user that created the speaker group may memorize the association between the speaker group and the arbitrary, non-thematic name that was assigned to the speaker group, another user in the same house may not be aware of the association, which could result in that other user launching the speaker group at an inappropriate time (e.g., when a baby is sleeping in a room that includes one of the Accused Google Players in the speaker group).

276. For the reasons explained above, I also disagree with Dr. Schonfeld’s assertion that this new alleged non-infringing alternative “would match users’ expectations and enable the current level of functionality that users expect and receive from their Google devices.” *See* 1/13/2023 Schonfeld Rebuttal Report at ¶ 181. In my opinion, in a Google networked audio system where a user is able to use an Accused Google Controller to create and save a speaker group that can later be launched on demand at any time, users expect to be able to assign a “common theme” to the speaker group.

277. Lastly, Dr. Schonfeld also has not established that this new alleged non-infringing alternative, which was not on the market during the timeframe of infringement, would have been available to Google – particularly in view of the fact that Sonos has many other patents directed to technology for grouping “zone players” together for synchronous playback.

XVI. SONOS’S USE OF THE PATENTED TECHNOLOGY

278. Dr. Schonfeld does not dispute my opinion that (i) Sonos’s One, One SL, Play:1, Play:3, Play:5, Five, Move, Roam, Beam, Playbar, Playbase, Arc, Connect, Port, Connect:Amp, Amp, SYMFONISK table lamp WiFi speaker, and SYMFONISK bookshelf WiFi speaker each practice Asserted Claim 1 of the ‘885 Patent, and (ii) third-party computing devices (e.g., iOS and Android smartphones) installed with the Sonos S2 app practice each of the Asserted Claims of the


1 supplement this Reply Report in view of Mr. MacKay's additional deposition testimony.

2 290. If I am requested to do so, I may respond to additional statements made, or
3 discovery provided, by Google, or opinions submitted by expert witnesses on behalf of Google. I
4 may do this in a responsive report or in a supplemental report as appropriate.

5 291. I expect to testify at trial regarding the matters set forth in this report, if asked about
6 these matters by the Court or by the parties' attorneys.

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9 Dated: January 23, 2023

By:


Kevin C. Almeroth